

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

**JERRY STILL,**

Plaintiff,

v.

**COMMISSIONER OF  
SOCIAL SECURITY,**

Defendant.

Case No. 1:18-cv-837  
**JUDGE DOUGLAS R. COLE**  
**Magistrate Judge Litkovitz**

**ORDER**

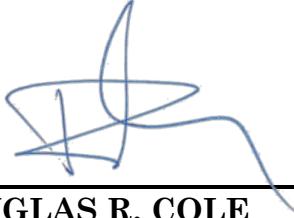
This cause comes before the Court on the Magistrate Judge's March 20, 2020, Report and Recommendation ("R&R") (Doc. 13). The Magistrate Judge recommends that the Court **REVERSE** the Commissioner's decision and **REMAND** the case for an award of benefits pursuant to Sentence Four of 42 U.S.C. § 405(g). The R&R advised both parties that a failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (*See* Doc. 13, #1887). *See also Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate's report to which no objections are filed."); *Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019) (noting "*fail[ure] to file* an objection to the magistrate judge's R&R ... is forfeiture, not waiver") (emphasis in original); 28 U.S.C. § 636(b)(1)(C). The time for filing objections has passed and none have been filed.

Therefore, the Court **ADOPTS** the Report and Recommendation, **REVERSES** the Commissioner's decision, and **REMANDS** the case for an award of benefits pursuant to Sentence Four of 42 U.S.C. § 405(g).

**SO ORDERED.**

April 17, 2020

**DATE**

A handwritten signature in blue ink, appearing to read "DRC".

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**DOUGLAS R. COLE**  
**UNITED STATES DISTRICT JUDGE**